

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MISSOURI  
EASTERN DIVISION

|                            |   |                         |
|----------------------------|---|-------------------------|
| SHARRON HIGGS,             | ) |                         |
|                            | ) |                         |
| Plaintiff,                 | ) |                         |
|                            | ) |                         |
| vs.                        | ) | Case No. 4:04CV1479 RWS |
|                            | ) |                         |
| EMC MORTGAGE CORP. et al., | ) |                         |
|                            | ) |                         |
| Defendants.                | ) |                         |

**MEMORANDUM AND ORDER**

This matter is before the Court on plaintiff's motion for appointment of counsel. There is no constitutional or statutory right to appointed counsel in a civil case. Nelson v. Redfield Lithograph Printing, 728 F.2d 1003, 1004 (8th Cir. 1984). In determining whether to appoint counsel, the Court considers several factors including (1) whether the plaintiff has presented non-frivolous allegations supporting his prayer for relief; (2) whether the plaintiff will substantially benefit from the appointment of counsel; (3) whether there is a need to further investigate and present the facts related to the plaintiff's allegations; and (4) whether the factual and legal issues presented by the action are complex. See Battle v. Armontrout, 902 F.2d 701, 702 (8th Cir. 1990); Johnson v. Williams, 788 F.2d 1319, 1322-23 (8th Cir. 1986); Nelson, 728 F.2d at 1005.

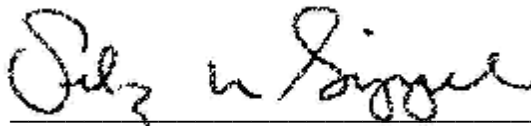
After considering these factors, the Court believes that the facts and legal

issues involved are not so complicated that the appointment of counsel is warranted at this time.

As previously ordered, plaintiff must either retain counsel to represent her by the **June 17, 2005** scheduling conference or she will be deemed to be proceeding pro se. Plaintiff remains obligated to attend the June 17, 2005 scheduling conference in person if she is proceeding pro se, and her failure to do so could result in the imposition of sanctions, including dismissal of this action with prejudice.

Accordingly,

**IT IS HEREBY ORDERED** that plaintiff's motion for appointment of counsel [#28] is **DENIED** without prejudice.

A handwritten signature in black ink, appearing to read "Rodney W. Sippe", written over a horizontal line.

RODNEY W. SIPPEL  
UNITED STATES DISTRICT JUDGE

Dated this 1st day of June, 2005.